

REMARKS

This amendment responds to the office action mailed June 8, 2005. In the Office Action the Examiner:

- rejected claims 15-19 under 35 U.S.C. 102(b) as anticipated by Lanziner (EP 0 325 539 A1);
 - rejected claim 20 under 35 U.S.C. 103(a) as being unpatentable over Lanziner (EP 0 325 539 A1) in view of Link et al. (US 5,572,427);
 - rejected claims 21-22 and 28 under 35 U.S.C. 103(a) as being unpatentable over Lanziner (EP 0 325 529 A1) in view of Fukae et al. (EP 0 961 134 A1);
 - rejected claims 23-24 and 26-27 under 35 U.S.C. 103(a) as being unpatentable over Lanziner (EP 0325 539 A1) in view of Link et al. (US 5,572,427) and Holt (US 6,608,593); and
 - rejected claim 25 under 35 U.S.C. 103(a) as being unpatentable over Lanziner (EP 0 325 539 A1) in view of Link et al. (US 5,572,427) and Holt (US 6,608,593) as applied to claim 23, and further in view of Lamensdorf et al. (US 20040008153A1).
- After entry of this amendment, the pending claims are: claims 15-28.

Detailed Response 35 U.S.C. 102(b)

In the present Office Action the Examiner has rejected pending claims 15-19 as anticipated Lanziner. The Applicants disagree and traverse.

Claim 15 has been amended to clarify the meaning of the term “isotropic” in the claim.

Pending independent claim 15 contains the following element: “a passive, **isotropic** reflecting landmark” [emphasis added]. Further, claim 15 as amended requires the isotropic landmark to be **substantially isotropic ... in a plane containing the landmark and the device**. Support for the amendment to claim 15 is found in paragraph 0034 (which is paragraph 0036 in the published application). As noted, this amendment is simply a clarification of the term “isotropic,” which was already included in claim 15.

Additional discussion of such embodiments is provided in the specification on pp. 11-12, paragraphs 0035-0037 in the discussion of Figure 4. Lanziner does not disclose or teach this limitation. Indeed, as discussed in col. 4, line 64-col. 5, line 18 the reflector in Lanzier is highly anisotropic.

Since Lanziner does not disclose an “isotropic reflecting landmark”, it does not anticipate pending independent claim 15. Similarly, since dependent claims 16-19 contain the limitations of their parent claim, Lanziner does not anticipate these claims, either. Removal of this ground for rejection is requested.

Detailed Response 35 U.S.C. 103(a)

In the present Office Action the Examiner has rejected pending claim 20 as anticipated Lanziner in view of Link. The Applicants disagree and traverse.

As discussed in the preceding section, Lanziner does not contain all of the limitations of pending independent claim 15, and therefore, does not contain all the limitations of dependent claim 20.

In addition, the Examiner has argued improved location accuracy is a motivation to combine the cited references. However, Lanziner is silent as to a need to improve accuracy beyond that provided by his disclosure. Accuracy is only mentioned in Link in the third paragraph of the Summary in the context of conventional Doppler systems (there is no disclosure or teaching with respect to systems having passive landmarks). As a consequence, neither reference in the combination teaches or discloses the problem that the Examiner has argued needs to be solved by combining the references. Since necessity is the mother of invention, in the absence of a problem there is no motivation to combine the references besides impermissible hindsight recognition.

Since the combination does not achieve all of the limitations of this pending claim and there is no motivation to combine the references, the combination is not *prima facie* obvious. Removal of this ground for rejection is requested.

In the present Office Action the Examiner has rejected pending claims 21-22 and 28 as anticipated Lanziner in view of Link and Fukae. The Applicants disagree and traverse.

As discussed in the preceding section, Lanziner does not contain all of the limitations of pending independent claim 15, and therefore, does not contain all the limitations of dependent claims 21-22 and 28.

In addition, the Examiner has argued improved location accuracy is a motivation to combine the cited references. However, Lanziner is silent as to a need to improve accuracy beyond that provided by his disclosure. Accuracy is only mentioned in Link in the third

paragraph of the Summary in the context of conventional Doppler systems (there is no disclosure or teaching with respect to systems having passive landmarks). Fukae discloses a positioning system for automobiles. There is no discussion of a need for improved accuracy beyond that provided by his disclosure. As a consequence, none of the references in the combination teaches or discloses the problem that the Examiner has argued needs to be solved by combining the references. Since necessity is the mother of invention, in the absence of a problem there is no motivation to combine the references besides impermissible hindsight recognition.

Since the combination does not achieve all of the limitations of these pending claims and there is no motivation to combine the references, the combination is not *prima facie* obvious. Removal of this ground for rejection is requested.

In the present Office Action the Examiner has rejected pending claims 23-24 and 26-27 as anticipated Lanziner in view of Link and Holt. The Applicants disagree and traverse.

As discussed in the preceding section, Lanziner does not contain all of the limitations of pending independent claim 15, and therefore, does not contain all the limitations of dependent claims 23-24 and 27.

The Applicants note an apparent discrepancy in the present Office Action on p. 6. The Examiner discusses the teachings of Fukae even though this reference has not been applied to these claims (p. 5, lines 13-15 of the present Office Action). In the present reply, the Applicants have proceeded under the assumption that Fukae has been applied by the Examiner.

With respect to claim 24, is the Examiner taking Official Notice based on the discussion on p. 6, lines 16-19 of the present Office Action? The Applicants have assumed that the Examiner is taking Official Notice and traverse. To address the technical challenge posed by a null less than 15° wide, the Applicants have provided embodiments in the specification on p. 11, paragraph 36 and p. 17, paragraph 45 for enabling this capability. Per MPEP 2144.04(C), the Examiner is requested to support this finding with adequate evidence.

Since the combination does not achieve all of the limitations of these pending claims, the combination is not *prima facie* obvious. Removal of this ground for rejection is requested.

In the present Office Action the Examiner has rejected pending claim 25 as anticipated Lanziner in view of Link, Holt and Lamensdorf. The Applicants disagree and traverse.

As discussed in the preceding section, Lanziner does not contain all of the limitations of pending independent claim 15, and therefore, does not contain all the limitations of dependent claims 23-24 and 27.

Since the combination does not achieve all of the limitations of these pending claims, the combination is not *prima facie* obvious. Removal of this ground for rejection is requested.

CONCLUSION

In light of the above amendments and remarks, the Applicant respectfully requests that the Examiner reconsider this application with a view towards allowance. The Examiner is invited to call the undersigned attorney at (650) 843-7501, if a telephone call could help resolve any remaining items.

Respectfully submitted,

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